THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION Nos.7359, 7367, 7373 and 7383 of 2007

Date: 19.04.2007

W.P.No.7359 of 2007
Between:

M/s.Maharaji Corporation.

....Petitioner

And

The Agricultural Market Committee.

....Respondent

W.P.No.7367 of 2007
Between:

Raja Industries.

....Petitioner

And

The Agricultural Market Committee.

....Respondent

W.P.No.7373 of 2007
Between:

Dhanalakshmi Rice Mill.

....Petitioner

And

The Agricultural Market Committee.

....Respondent

W.P.No.7383 of 2007
Between:

M/s.Sree Raghavendra Industries.

....Petitioner

And

The Agricultural Market Committee.

....Respondent

COMMON O R D E R:

In this batch of writ petitions, best of judgment orders, dated 20.03.2007, passed by the sole respondent under Section 12-B of the Andhra Pradesh (Agricultural Produce and Livestock) Markets Act, 1966 (for short 'the Act'), are challenged.

The grievance of the petitioners is that they were all issued show cause notices, dated 09.03.2007, requiring them to explain as to why the difference of market fee shall not be levied against them for the years indicated therein. They alleged that the In-charge Secretary, who was to hold the Office till the regular incumbent takes charge on 21.03.2007, has reduced the entire exercise into an empty formality and passed the orders with the utmost speed and non-application of mind.

The learned standing counsel for the respondent submits that the petitioners have remedy of appeal under Section 12-E of the Act before the Regional Joint Director of Marketing.

Heard the learned counsel for the petitioners and the learned standing counsel for the respondent.

The petitioners are licencees of the market committee, Yellareddy. They submitted the returns and paid the market fee. However, the market committee intended to reopen the matters for the years 2003-2004 and 2004-2005 on the allegation that the returns submitted by the petitioners did not reflect the correct state of affairs. For both the years, the petitioners herein were

issued show cause notices, dated 09.03.2007, requiring them to submit explanations, within one week from the date of receipt of the notices. The notices are said to have been served on 11.3.2007 and 12.03.2007. The impugned orders are passed on 20.03.2007.

The very fact that the orders are passed in cyclostyle form by filling the blanks discloses the undue haste on the part of the Secretary, who passed them. He did not even verify as to whether the time allowed to the petitioners for submitting explanations, had expired. It is stated that 18th was Sunday, 19th was Holiday and 20th was Optional Holiday. When the matter is about reopening of the assessments of the previous years, it is not known as to what was the great urgency, that too, on the part of the In-charge Secretary, who has passed the orders in a mechanical manner without application of mind.

Hence, the writ petitions are allowed and the impugned orders are set aside. The petitioners are granted ten days time from today to submit their explanations, if not already submitted. The respondent shall pass necessary orders, duly taking into account the explanations that may be submitted by the petitioners. There shall be no order as to costs.

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19.04.2007

kdl